

**PB# 98-21**

**VAN LEEUWEN, FIEDELHOLTZ**  
**SITE PLAN**

**55-1-92.2**

98 - 21 Van Kleeuwen / Fiedelholz Sub.  
(2 Lots) Beattie Rd. (Pfaun)

Approved 2-5-99

DATE June 22, 1998 RECEIPT 297836  
 RECEIVED FROM Henry Van Leeuwen  
 Address \_\_\_\_\_  
Fifty 00/100 DOLLARS \$ 50.00  
 FOR PB # 98-21

| ACCOUNT           |  | HOW PAID    |                  |
|-------------------|--|-------------|------------------|
| BEGINNING BALANCE |  | CASH        | <u>OK # 1459</u> |
| AMOUNT PAID       |  | CHECK       | <u>50.00</u>     |
| BALANCE DUE       |  | MONEY ORDER |                  |

Town Clerk  
 BY Dorothy H. Hansen

DATE June 22, 1998 RECEIPT 98-21 N U M B E R  
 RECEIVED FROM Henry Van Leeuwen  
 Address Beattie Road - Rock Tavern, N.Y. 12575  
Three Hundred 00/100 DOLLARS \$ 300.00  
 FOR 2 Lot Subdivision Escrow

| ACCOUNT           |               | HOW PAID    |               |
|-------------------|---------------|-------------|---------------|
| BEGINNING BALANCE | <u>300.00</u> | CASH        |               |
| AMOUNT PAID       | <u>300.00</u> | CHECK       | <u># 1460</u> |
| BALANCE DUE       | <u>-0-</u>    | MONEY ORDER |               |

Shirley  
 BY Myron Mason

DATE 2/4/99 RECEIPT 037519  
 RECEIVED FROM Henry Van Leeuwen  
 Address \_\_\_\_\_  
One Hundred Thirty 00/100 DOLLARS \$ 130.00  
 FOR PB # 98-21

| ACCOUNT           |  | HOW PAID    |                  |
|-------------------|--|-------------|------------------|
| BEGINNING BALANCE |  | CASH        | <u>OK # 1600</u> |
| AMOUNT PAID       |  | CHECK       | <u>130.00</u>    |
| BALANCE DUE       |  | MONEY ORDER |                  |

Town Clerk  
 BY Dorothy H. Hansen

DATE Feb. 4, 1998 RECEIPT 9821 N U M B E R  
 RECEIVED FROM Gerald Friedelholz & Henry Van Leeuwen  
 Address New Windsor, N.Y.  
112 252 EA.

Wilson Jones  
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|             |  |             |       |
|-------------|--|-------------|-------|
| PAID        |  | CHECK       | 50.00 |
| BALANCE DUE |  | MONEY ORDER |       |

RV Dorothy H Hansen

DATE June 22, 1998 RECEIPT NUMBER 98-21  
RECEIVED FROM Henry Van Leeuwen  
Address Beattie Road - Rock Tavern, N.Y. 12575  
Three Hundred 00/100 DOLLARS \$300.00  
FOR 2 Lot Subdivision Escrow

| ACCOUNT           |        | HOW PAID    |       |
|-------------------|--------|-------------|-------|
| BEGINNING BALANCE | 300.00 | CASH        |       |
| AMOUNT PAID       | 300.00 | CHECK       | #1460 |
| BALANCE DUE       | -0-    | MONEY ORDER |       |

BY Maura Mason

Wilson Jones - Carbonless - S165-NCR Duplicate - S1657N-CL Triplicate

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DATE 2/4/99 RECEIPT NUMBER 037519  
RECEIVED FROM Henry Van Leeuwen  
Address \_\_\_\_\_  
One Hundred thirty 00/100 DOLLARS \$130.00  
FOR PB #98-21

| ACCOUNT           |  | HOW PAID    |           |
|-------------------|--|-------------|-----------|
| BEGINNING BALANCE |  | CASH        | ck # 1000 |
| AMOUNT PAID       |  | CHECK       | 130.00    |
| BALANCE DUE       |  | MONEY ORDER |           |

Town Clerk  
BY Dorothy H. Hansen

Wilson Jones - Carbonless - S1642-4W CL Duplicate - S1644-4W CL Triplicate

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DATE Feb. 4, 1998 RECEIPT NUMBER 9821  
RECEIVED FROM Gerald Fiedelholz + Henry Van Leeuwen  
Address New Windsor, NY New Windsor, N.Y.  
Two Hundred Twenty-four 50/100 DOLLARS \$224.50 EA.  
FOR Escrow

| ACCOUNT           |        | HOW PAID    |                |
|-------------------|--------|-------------|----------------|
| BEGINNING BALANCE | 224.50 | CASH        |                |
| AMOUNT PAID       | 224.50 | CHECK       | #3920 = 112.25 |
| BALANCE DUE       | -0-    | MONEY ORDER | #1602 = 112.25 |

BY Maura Mason

Wilson Jones - Carbonless - S1642-4W CL Duplicate - S1644-4W CL Triplicate

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DATE 2/4/99 RECEIPT NUMBER 98-21  
RECEIVED FROM \* Gerald Fiedelholz \* \* Henry Van Leeuwen  
Address 270 Quassaick Ave 270 Windsor Hwy  
New Windsor, NY New Windsor, N.Y.  
Five Hundred 00/100 (Total) DOLLARS \$250.00 EA.  
FOR One Lot Recreation fee

| ACCOUNT           |        | HOW PAID    |                |
|-------------------|--------|-------------|----------------|
| BEGINNING BALANCE | 500.00 | CASH        |                |
| AMOUNT PAID       | 500.00 | CHECK       | #3961 = 250.00 |
| BALANCE DUE       | -0-    | MONEY ORDER | #1601 = 250.00 |

BY Maura Mason, Secretary

Map Number 52-99 City [ ]  
Section 55 Block 1 Lot 92.2 Town [X] Village [ ] New Windsor

Title: Van Leeuwen + Fiedelholz

Dated: 10-28-98 Filed: 3-10-99

Approved by: Edward Stent  
on 2-5-99

Record Owner: Henry ~~Van~~ Vanleeuwen + Jerald Fiedelholz  
1 sheet

98-21

DONNA L. BENSON  
Orange County Clerk

Wilson Jones - Carbonless - S-1654 NCR Dup. - 31x57 1/2" CL Tripartite  
Wilson Jones, 1989

DATE 2/4/99 RECEIPT 037520  
RECEIVED FROM Jerald Fiedelholz  
Address \_\_\_\_\_  
One Hundred Thirty <sup>00</sup>/<sub>100</sub> DOLLARS \$ 130.<sup>00</sup>  
FOR P B #98-21

| ACCOUNT           |  | HOW PAID    |                  |
|-------------------|--|-------------|------------------|
| BEGINNING BALANCE |  | CASH        | <u>ok # 3960</u> |
| AMOUNT PAID       |  | CHECK       | <u>13000</u>     |
| BALANCE DUE       |  | MONEY ORDER |                  |

Town Clerk  
BY Dorothy H. Hansen

VAN LEEUWEN & FIEDELHOLTZ SUBDIVISION (98-21) BEATTIE ROAD

Mr. Joseph Pfau appeared before the board for this proposal.

MR. PETRO: This is a different one than the one we saw?

MR. PFAU: Yes, we went to the zoning board, we needed an area variance for lot width and the minimum is 125 foot and we received a variance on August 10. Minor revision.

MR. PETRO: Is this the plan that you reviewed?

MR. PFAU: No.

MR. PETRO: I'm going to hand out Mark's comments, you can put the new plan on the board and tell us what that is.

MR. EDSALL: What's the difference between the two of them?

MR. PFAU: Deep pits, I left deep pits off that plan, just the results.

MR. PETRO: You do have a lot of information on the plan.

MR. PFAU: It's soils information mostly.

MR. PETRO: Okay, this application proposes subdivision of existing 4 acre parcel into 2 single family residential lots. The plan was previously reviewed at the 24 June, 1998 planning board meeting. We referred it to the ZBA for the necessary lot width variance, this variance has been granted and is properly noted on the plan bulk table. Copy of the ZBA determination should be on file with the planning board. Why don't you give us a quick overlay what you're doing?

MR. PFAU: It's on the northwest side of Beattie Road, it's directly across the street from an existing

private road called Marsha's Way.

MR. VAN LEEUWEN: Martha's Way.

MR. PFAU: Martha's Way, I'm sorry. It's a 2 lot subdivision, both lots will be served by individual wells and septic systems. We have done all the soils testing, soils testing is fine, lot 2 shows a proposed 30 foot wide access easement into a lot in the Town of Hamptonburg. There will be no building from lot 2 on that piece of property, otherwise both lots access Beattie Road and that's about it.

MR. PETRO: We have fire approval dated 22 October, 1998 and we also have highway approval on June 23, '98 and once again, gentlemen, we have not done any of the steps that are necessary to go forward.

MR. STENT: Motion to declare lead agency on the VanLeeuwen and Fiedelholtz subdivision on Beattie Road.

MR. LANDER: Second it.

MR. PETRO: Motion has been made that the New Windsor Planning Board declare itself lead agency for the Van Leeuwen and Fiedelholtz subdivision on Beattie Road. Is there any further discussion? If not, roll call.

ROLL CALL

|             |     |
|-------------|-----|
| MR. ARGENIO | AYE |
| MR. STENT   | AYE |
| MR. LANDER  | AYE |
| MR. LUCAS   | AYE |
| MR. PETRO   | AYE |

MR. PETRO: You have property separation between the well and the septic, looks like you have quite a bit actually quite a few cleanouts there.

MR. PFAU: Yes, every 75 feet. What happens, the reason the septic systems are so far back is pretty much there wasn't enough room between the rear of the proposed dwellings with front yard setback and 20 foot separation to the septic system before especially on

lot 1 slopes more than 15 percent.

MR. PETRO: What's the stone structure on lot number one?

MR. PFAU: Existing stone wall that's on the lot, nice stone wall, actually.

MR. PETRO: Thirty foot easement for the Town of Hamptonburg, that's just a standard that goes along their town line.

MR. VAN LEEUWEN: Jim, there's a 16 acre lot back there in the Town of Hamptonburg and the only way they can get through it is through the easement. Originally, what we were going to do was we sold this parcel, we were going to do a 4 lot subdivision with a road going into that 16 acre parcel. But we had to take it back from the guy cause the guy didn't pay us for one thing and the highway superintendent wasn't exactly pleased with the sight distance coming out there for a road. So what Jerry and I decided to do was cut up into two lots and get out of it, that's all.

MR. PETRO: What are you going to do with the remaining land in the back then?

MR. VAN LEEUWEN: That's up to the guy that owns it in the back, it's not ours, we have nothing to do with that.

MR. LANDER: Is there any access to the property?

MR. VAN LEEUWEN: Thirty feet easement to the back but with 30 feet, they can only put one house in there. Originally, what we were going to do is, not we, but we sold to somebody that was going to put houses in the back and make it a 50 foot road but--

MR. PFAU: If you look at the location map, you can see that that piece is one lot.

MR. VAN LEEUWEN: Jim Pullar had a problem for one thing with the sight distance there for two lots you have no problem, but if you put a road, you're going to



have a problem.

MR. PETRO: Side yard, though, setback is inside the easement, is that allowable?

MR. PFAU: Well, I show the side yard setback but I have a note saying there's no construction allowed within the 30 foot easement.

MR. PETRO: What I am saying side yard actually is towards the easement or property line, even though the easement is taking up 30 feet.

MR. PFAU: Side yard is depicted as the minimum side yard in the zone which is 20 feet.

MR. PETRO: You have that to the easement line.

MR. PFAU: No, I have it within the easement line.

MR. PETRO: That's what I'm asking, is that acceptable?

MR. EDSALL: For the lot with an easements, it's allowable. If it was a private road, you'd measure it to the private road right-of-way, they don't have room to build a private road and as you'll note in my comment 2, we referred this to the Orange County Planning Department and to the Town of Hamptonburg to see if they had any recommendations for the further development of the parcel in Hamptonburg and access through this lot and they returned it local determination from the County and the Town of Hamptonburg basically saw no objection to having it stay the way it is, which is just a right-of-way.

MR. PETRO: The point I'm making is that if the road is built out.

MR. EDSALL: It can't be a road because there's not enough room.

MR. PETRO: So, it's going to be say I want to build a 30 foot driveway there?

MR. EDSALL: You would build a driveway, that's it.

MR. PETRO: But I could go to the easement line once I'm to the easement line, the house will not have its proper side yard setback in reality whether it would matter.

MR. EDSALL: You'd be very close to a driveway, but it could not be a private road the way the Town of New Windsor ordinance is set up.

MR. PETRO: Under our local Town Law this is acceptable?

MR. EDSALL: Yes.

MR. PETRO: That's all I want to know.

MR. VAN LEEUWEN: There's a reason for that, okay, so we don't get anymore than one house back there, not that I want to cut the guy off, that's not the point, okay. But since the sight distance is a problem there, okay, that's why it was done.

MR. EDSALL: If he wants to have more than one lot on that large property, he'll have to find access probably through the Town of Hamptonburg.

MR. PETRO: Or buy more land somewhere.

MR. VAN LEEUWEN: And he can do that.

MR. PETRO: Worst case scenario, that particular house is going to have one car or two cars going back and forth on the dirt road at some point.

MR. EDSALL: Exactly.

MR. PETRO: Because he's going to have a substandard side yard, not by law, by law it's correct.

MR. EDSALL: It's no different than people who have a driveway passing by their house to go to an attached rear garage, it's just a little closer.

MR. PETRO: We had a public hearing at the zoning

board, correct?

MR. PFAU: Yes.

MR. PETRO: How was that attended?

MR. PFAU: I have a copy of the minutes and I have copies made if you'd like me to pass them out. There were four people that spoke which I have highlighted the main issue was drainage, I'll quickly say that one person had a comment on the percolation test, it was a question those tests were fine, there was a comment about sight distance, you know, we have had the standard driveway notes picked out where we believe the sight distance is best, it is two driveways, there was an issue, most of the issues, other than the drainage were just zoning issues, questions of why the variance should be granted with respect to lot width, if this is going to continue to occur, those types of comments. The one issue that did come up a few different times had to do with drainage, specifically from the neighbors on either side of the property Acker and Schiraldi (phonetic) and Mr. Van Leeuwen had, you know, asked me to try to resolve that so it wouldn't become an issue. What we have done there's an existing 12 inch culvert pipe crossing Beattie Road and right now, currently, when this flows and goes down into kind of the belly, I suppose, of this, of our property and kind of splits, it goes this way and this way cause there's a little high point and what we have proposed to do is redirect this through a proposed swale, get it by the belly, passed the septic and shoot it down to the back of the property.

MR. VAN LEEUWEN: I asked Mark and I asked Joe to pay particular attention to that water that it doesn't, and put a swale.

MR. PETRO: I see that you did that.

MR. VAN LEEUWEN: Martha's Way is causing the problem but it's on our land and we have to get rid of it.

MR. PETRO: This is an R-1 zone, this is a permitted use in the zone, I think he's touched on the comments

made at the zoning board. I don't feel that they are that extreme that we should go through a planning board public hearing. Does anyone disagree with that?

MR. STENT: No.

MR. LUCAS: Where is the pond that's on here?

MR. LANDER: Can you tell us? I see a pond over in this typical separation distance requirements, this detail here, where is it on this property?

MR. PFAU: It's not on this property.

MR. PETRO: Can I have a motion to waive the public hearing?

MR. STENT: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board waive the public hearing for the Van Leeuwen/Fiedelholtz subdivision on Beattie Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

|             |     |
|-------------|-----|
| MR. ARGENIO | AYE |
| MR. STENT   | AYE |
| MR. LANDER  | AYE |
| MR. LUCAS   | AYE |
| MR. PETRO   | AYE |

MR. PETRO: Any wetlands on this property?

MR. PFAU: No, sir.

MR. PETRO: The pond you just stated to Mr. Lander, Mr. Lucas, it's not on this property, so that's a non-issue. Therefore, I think we can declare negative dec.

MR. LANDER: So moved.

MR. LUCAS: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Van Leeuwen and Fiedelholtz subdivision on Beattie Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

|             |     |
|-------------|-----|
| MR. ARGENIO | AYE |
| MR. STENT   | AYE |
| MR. LANDER  | AYE |
| MR. LUCAS   | AYE |
| MR. PETRO   | AYE |

MR. PETRO: Is there any further questions for the applicant? Mark, any further engineering questions?

MR. EDSALL: I believe everything has been resolved.

MR. STENT: Everything being resolved, I would move we grant final approval to the Van Leeuwen and Fiedelholtz subdivision.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Van Leeuwen and Fiedelholtz subdivision on Beattie Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

|             |     |
|-------------|-----|
| MR. ARGENIO | AYE |
| MR. STENT   | AYE |
| MR. LANDER  | AYE |
| MR. LUCAS   | AYE |
| MR. PETRO   | AYE |



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

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(717) 296-2765  
e-mail: mhepa@ptd.net



**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** VANLEEUEWEN/FIEDELHOLTZ SUBDIVISION  
**PROJECT LOCATION:** BEATTIE ROAD  
SECTION 55-BLOCK 1-LOT 92.2  
**PROJECT NUMBER:** 98-21  
**DATE:** 28 OCTOBER 1998  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE EXISTING 4.0 +/- ACRE PARCEL INTO TWO (2) SINGLE-FAMILY RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 24 JUNE 1998 PLANNING BOARD MEETING.

1. This application was referred to the Zoning Board of Appeals at the referenced meeting, for a necessary lot width variance. This variance has been granted and is properly noted on the plan bulk table. A copy of the ZBA determination should be on file with the Planning Board.
2. This project adjoins the Town line with the Town of Hamptonburg. As well, the property includes an easement to a property within the Town of Hamptonburg.

In line with same, this application was referred to the Orange County Department of Planning and the Town of Hamptonburg Planning Board for review and comment. The County Department of Planning returned the application for "local determination", and the Hamptonburg Planning Board (via their Engineer) noted that they have no objection and no concerns.

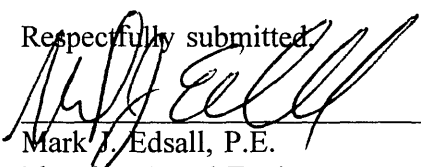
3. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** VANLEEUVEN/FIEDELHOLTZ SUBDIVISION  
**PROJECT LOCATION:** BEATTIE ROAD  
SECTION 55-BLOCK 1-LOT 92.2  
**PROJECT NUMBER:** 98-21  
**DATE:** 28 OCTOBER 1998

4. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
5. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
6. All previous meeting review comments and comments from the Technical Work Sessions have been addressed and have been included on the plan currently submitted to the Planning Board.

Respectfully submitted,



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:VANFIE.mk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/04/99

PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 98-21

NAME: VAN LEEUWEN/FIEDELHOLTZ 2 LOT SUBDIVISIO  
APPLICANT: VAN LEEUWEN, HENRY & FIEDELHOLTZ, JERALD

| --DATE-- | MEETING-PURPOSE-----    | ACTION-TAKEN----- |
|----------|-------------------------|-------------------|
| 02/05/99 | PLANS STAMPED           | APPROVED          |
| 10/28/98 | P.B. APPEARANCE         | LA:ND W/PH APPR   |
| 10/22/98 | WORK SESSION APPEARANCE | NEXT AGENDA       |
| 10/22/98 | WORK SESSION APPEARANCE | NEXT AGENDA       |
| 06/24/98 | P.B. APPEARANCE         | REFER TO Z.B.A.   |
| 06/17/98 | WORK SESSION APPEARANCE | SUBMIT            |



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/04/99

PAGE: 1

LISTING OF PLANNING BOARD **SEQRA ACTIONS**

FOR PROJECT NUMBER: 98-21

NAME: VAN LEEUWEN/FIEDELHOLTZ 2 LOT SUBDIVISIO  
APPLICANT: VAN LEEUWEN, HENRY & FIEDELHOLTZ, JERALD

|      | DATE-SENT | ACTION-----                    | DATE-RECD | RESPONSE-----    |
|------|-----------|--------------------------------|-----------|------------------|
| ORIG | 06/19/98  | EAF SUBMITTED                  | 06/19/98  | WITH APPLICATION |
| ORIG | 06/19/98  | CIRCULATE TO INVOLVED AGENCIES | / /       |                  |
| ORIG | 06/19/98  | LEAD AGENCY DECLARED           | 10/28/98  | TOOK LEAD AGENCY |
| ORIG | 06/19/98  | DECLARATION (POS/NEG)          | 10/28/98  | DECL. NEG. DEC   |
| ORIG | 06/19/98  | PUBLIC HEARING                 | 10/28/98  | WAIVE P.H.       |
| ORIG | 06/19/98  | AGRICULTURAL NOTICES           | / /       |                  |

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/04/99

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 98-21

NAME: VAN LEEUWEN/FIEDELHOLTZ 2 LOT SUBDIVISIO  
APPLICANT: VAN LEEUWEN, HENRY & FIEDELHOLTZ, JERALD

| --DATE-- | DESCRIPTION-----           | TRANS  | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|----------|----------------------------|--------|-----------|-----------|-----------|
| 06/19/98 | REC. CK. #1460             | PAID   |           | 300.00    |           |
| 06/24/98 | P.B. ATTY. FEE             | CHG    | 35.00     |           |           |
| 06/24/98 | P.B. MINUTES               | CHG    | 9.00      |           |           |
| 10/28/98 | P.B. ATTY. FEE             | CHG    | 35.00     |           |           |
| 10/28/98 | P.B. MINUTES               | CHG    | 36.00     |           |           |
| 11/10/98 | P.B. ENGINEER FEE          | CHG    | 409.50    |           |           |
| 02/03/99 | REC. CK. #1602 VANLEEUEWEN | PAID   |           | 112.25    |           |
| 02/03/99 | REC. CK. #3962 FIEDELHOLTZ | PAID   |           | 112.25    |           |
|          |                            |        | -----     | -----     | -----     |
|          |                            | TOTAL: | 524.50    | 524.50    | 0.00      |

Gave L.R. 2/4/99

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/04/99

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**RECREATION**

FOR PROJECT NUMBER: 98-21

NAME: VAN LEEUWEN/FIEDELHOLTZ 2 LOT SUBDIVISIO  
APPLICANT: VAN LEEUWEN, HENRY & FIEDELHOLTZ, JERALD

| --DATE-- | DESCRIPTION-----           | TRANS  | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|----------|----------------------------|--------|-----------|-----------|-----------|
| 02/03/99 | ONE LOT REC. FEE           | CHG    | 500.00    |           |           |
| 02/03/99 | REC. CK. #1601 VANLEEUVEN  | PAID   |           | 250.00    |           |
| 02/03/99 | REC. CK. #3961 FIEDELHOLTZ | PAID   |           | 250.00    |           |
|          |                            |        | -----     | -----     | -----     |
|          |                            | TOTAL: | 500.00    | 500.00    | 0.00      |

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/04/99

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 98-21

NAME: VAN LEEUWEN/FIEDELHOLTZ 2 LOT SUBDIVISIO  
APPLICANT: VAN LEEUWEN, HENRY & FIEDELHOLTZ, JERALD

| --DATE-- | DESCRIPTION-----           | TRANS  | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|----------|----------------------------|--------|-----------|-----------|-----------|
| 02/03/99 | APPROVAL FEE - SUBDIVISION | CHG    | 260.00    |           |           |
| 02/03/99 | REC. CK. #1600 VANLEEUEWEN | PAID   |           | 130.00    |           |
| 02/03/99 | REC. CK. #3960 FIEDELHOLTZ | PAID   |           | 130.00    |           |
|          |                            |        | -----     | -----     | -----     |
|          |                            | TOTAL: | 260.00    | 260.00    | 0.00      |

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 50.00

ESCROW:

RESIDENTIAL:

\_\_\_ LOTS @ 150.00 (FIRST 4 LOTS).....\$ \_\_\_\_\_  
\_\_\_ LOTS @ 75.00 (ANY OVER 4 LOTS).....\$ \_\_\_\_\_

COMMERCIAL:

\_\_\_ LOTS @ 400.00 (FIRST 4 LOTS).....\$ \_\_\_\_\_  
\_\_\_ LOTS @ 200.00 (ANY OVER 4 LOTS).....\$ \_\_\_\_\_

TOTAL ESCROW DUE....\$ \_\_\_\_\_

\* \* \* \* \*

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00  
PRELIMINARY PLAT APPROVAL .....\$ 100.00  
FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 110.00  
FINAL PLAT SECTION FEE.....\$ 100.00  
BULK LAND TRANSFER...(\$100.00).....\$ \_\_\_\_\_

TOTAL SUBDIVISION APPROVAL FEES.....\$ 260.00

\* \* \* \* \*

RECREATION FEES:

1 LOTS @ \$500.00 PER LOT .....\$ 500.00

\* \* \* \* \*

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW: 300.00

PLANNING BOARD ENGINEER FEES.....\$ \_\_\_\_\_  
PLANNING BOARD ATTORNEY FEES.....\$ \_\_\_\_\_  
MINUTES OF MEETINGS.....\$ \_\_\_\_\_  
OTHER.....\$ 524.50

\* \* \* \* \*

PERFORMANCE BOND AMOUNT.....\$ \_\_\_\_\_

4% OF ABOVE AMOUNT.....\$ \_\_\_\_\_

ESTIMATE OF PRIVATE IMPROVEMENTS: \$ \_\_\_\_\_

2% OF APPROVED COST ESTIMATE:.....\$ \_\_\_\_\_  
(INSPECTION FEE)

224.50  
Due

PUBLIC HEARINGS:

VANLEEUWEN/FIEDELHOLTZ

MR. NUGENT: Anyone in the audience with regards to this? Please sign this paper.

Mr. Joseph Pfau appeared before the board for this proposal.

MR. NUGENT: Request for 9 ft. lot width variance on Lot 2 to construct single family dwelling on northwest side of Beattie Road in an R-1 zone.

MR. PFAU: My name is Joe Pfau. Mr. Van Leeuwen and Mr. Fiedelholtz is with me tonight. The proposal in front of the board tonight is a proposed 2 lot residential subdivision on the northwest side of Beattie Road. The property is directly across the street of a road called Martha's Way and it's just southwest about five to six hundred feet of Ann Elizabeth Drive. The project located in the R-1 zoning district, it's a 5 acre lot, we're proposing to create 2, 2 1/2 acre lots. We fall short on lot number 2 of the minimum lot width by 9 feet, which is the lot with 125 feet. We meet all other requirements of the bulk requirements in that zone. I can say that the reason that we don't meet the minimum lot width on that lot is since the zoning code has been changed, the original definition of lot width was a measurement at the front yard setback or the building line, if the building line was taken into account, we'd meet that requirement on lot 2, if the house was set back sufficiently. It's since been changed so that the building setback line, I'm sorry, the minimum lot width is measured at the minimum setback line which is 45 feet in the R-1 zone. We're going to be proposing once we proceed to provide individual wells and septs for both of these lots and both lots will access Beattie Road. We have been to the planning board and they at that time had seen no major concerns at in a planning sense, we have gone out and done some preliminary perc tests throughout the property, we found some areas, we'll finalize that once we do the topo and the remainder of the checklist for the planning process and that is the proposal in front

of you.

MR. TORLEY: This plan supplants the previously approved plan, different set of owners that I recall was going to put a road down one of the side properties and two or three houses down with the potential of extending the road further down the hill?

MR. VAN LEEUWEN: Yes, but we had to foreclose on them.

MR. TORLEY: This is replacing that road going down the hill and multiple houses?

MR. VAN LEEUWEN: Correct, no road going down the hill, 30 feet right-of-way.

MR. KRIEGER: Talking two instead of three or four?

MR. VAN LEEUWEN: Two houses facing Beattie Road, that's all.

MR. TORLEY: Obviously near the top because you couldn't run a driveway all the way back.

MR. VAN LEEUWEN: No.

MR. KRIEGER: How much does the lot width exceed the requirement for lot number one?

MR. PFAU: It's right on 125 from it, what happens is that the overall parcel width evens out as it goes further back from Beattie Road.

MR. KRIEGER: What's on the ground now?

MR. PFAU: It's vacant property.

MR. KRIEGER: Trees or?

MR. PFAU: Yes, it's heavily wooded property.

MR. TORLEY: There is trailer and construction equipment.

MR. VAN LEEUWEN: I took it all out of there, he gave

it back to us, we spent a couple days moving the stuff out of there.

MR. TORLEY: Junk yard in the back there.

MR. KRIEGER: It's all one family homes in the neighborhood?

MR. PFAU: That's correct, single family.

MR. TORLEY: I ask when we get to the public hearing you might want to hold that up so the audience can see that.

MR. PFAU: Certainly.

MR. NUGENT: Are there any further questions? I'd like to open it up now for the public, please try to be brief and not repetitious.

MS. BARNHART: I'm sorry, Mr. Chairman, I just want to interrupt for a second, I have an affidavit of service stating that I sent out 18 addressed envelopes containing the public hearing notice on July 22, which is timely notice.

MR. NUGENT: What I ask also suggest you let the audience see that drawing so that they can understand what you're trying to tell them.

MR. KRIEGER: How many persons signed up on the list?

MS. BARNHART: Six, I'm sorry, there's seven.

MR. TORLEY: It's everybody who lives around there, they are my neighbors, that is everybody that lives around that property.

MR. TORLEY: Right now there was an approved plan not by these owners that was going to run a road right next to your property, put a cul-de-sac and go all the way down, this replaces that.

MR. MICHAEL SCHIRALDI: My name is Mike Schiraldi, I have a parcel of property right alongside of this and I



have two concerns. One is in the center of this piece of property like right where it shows the two houses going to be split, there's a culvert coming under the town road and there's an excess amount of water, some of it from the road, some of it from the construction across the street and we have been getting all of this water. Basically, I had to put a moat around my property to keep the water from infiltrating my back yard. My concern is that where is the water going to go, is the water going to be directed between these two parcels away from everybody else's property?

MR. NUGENT: Can you answer that?

MR. PFAU: I will say that we have only had one meeting with the planning board. They have directed us directly here before we have gone about to do the detail design, it has been brought up by the town engineer about that culvert and he's absolutely required us, it makes sense for the homes if they do get built, I envision that there's going to be an easement going down the center of the lot and then diverting the water at the low point southwest, okay. The property right now when you walk out there and it's affecting Mr. Van Leeuwen's property probably more so than your property, it has not been detailed, if that's been a comment that's come up.

MR. SCHIRALDI: Second question I had was on the, it's like on the outside of the turn where that piece of property sits, there have been numerous accidents there, is the town taking into consideration two driveways coming out onto that turn?

MR. PFAU: I believe what they are going to make us do is create not a dual driveway, but have the entrance to the driveways come out as close as possible, so it will be in--to answer to your question, it has not been finalized.

MR. NUGENT: I would just like to say one thing basically what they are here for is that 9 foot on that setback, they have to go from here they have to go back to the planning board for all their final layouts, we're really what you're asking us now is really out of

our realm.

MR. VAN LEEUWEN: Jim, let me say something. That water problem will be addressed and I suggested to our engineer already that we combine the two driveways maybe two driveways come as close together as possible.

MR. KRIEGER: Basically, in answer to your question, yes, it will be considered, not in detail by this board, but by the planning board and the applicant, even if they are successful here tonight has to still go through the planning board process. So the questions that you raise this isn't the last time they'll hear them.

MR. TORLEY: Both Hank and Jerry are very aware of the traffic through there.

MR. VAN LEEUWEN: We tried to address it once before because somebody else after we sold it somebody went in with a dozer and moved that water again because I had a backhoe go in there and dig a ditch so the water went straight down and to the right almost behind your property.

MRS. SCHIRALDI: I had two feet of water sitting in front of my leach field for years. I never complained knowing that this was going to happen, this piece of property has a severe water problem and you can go down and you'll see torrential rain all the way down and usually saturated.

MS. HERMANN: Marilyn Hermann. I'm in the process of constructing my home below Debbie and Mike's property. I have had to pay additional \$2,500 to Schoonmaker to put in culverts and drainage pipes to absorb the flow coming down the hill. In addition, I had to construct another swale on the other side of the leach field to catch the flow coming down from a terra cotta pipe coming from Beattie Road so I have the same concerns with water problems.

MR. VAN LEEUWEN: You've got to understand one thing, it became worse when Martha's Way went in, okay, that is not my doing and we took this back a year ago.

MS. HERMANN: Putting two homes that close together with that topo and water flow and water tables is only going to exacerbate the situation we already have.

MR. PFAU: I don't believe so because when you go through the planning process, the town engineer will review the drainage on the parcel on all the projects and he will scrutinize this. Right now, the property is vacant and nothing, and if it stays vacant, nothing will happen to the property. If we go for subdivision approval, we go to workshops and planning board meetings, the town engineer will review drainage, report on our analysis of some sort and, you know, so I believe that once we go through the planning process, there will be a solution to the problem.

MS. HERMANN: I'm curious, you say you had done perc tests, how--

MR. PFAU: We sent people out there today to do perc tests and that came from the zoning board wanting to see some type of test. We did random testing, we'll do final tests once we do the topo, we'll do deep test pits, this was a test just to show there were areas for septic systems and as I said, once the topo has been completed, those tests will be finalized as part of the planning process.

MR. VAN LEEUWEN: There were three percs test done before for three lots and they passed, no problem.

MS. HERMANN: Was this before or after the culvert was moved to create the drainage problem?

MR. VAN LEEUWEN: There was no culvert moved as far as I know, it wasn't moved.

MRS. SCHIRALDI: Water was directed towards our property than it had originally intended because we actually looked at this lot and decided not to buy it with the pipe right there years ago, but I don't know if this has any bearing. I want to know about the continuity of the development. We have all large parcels of land and this takes away from it, we have

agricultural in my own yard and I'm concerned about extra houses. I have a horse and stable and I'm zoned for that and I have concerns about extra neighbors moving in and disrupting the continuity of our area.

MR. TORLEY: The zone for R-1 is one acre minimum, it happens that your lots are larger because they are built on a private road, those cannot be subdivided on a private road, but on the public road, it's one acre of right.

MS. HERMANN: With 125 foot frontage?

MR. TORLEY: The way it was set up the lots met but they changed the line from where you measure the 125 foot, the codes were trying to avoid flag lots which are a real pain. And they have been essentially prohibited.

MR. RICHARD DI PAOLA: Rich DiPaola, I live across from everybody here. The question I have is if we let the property go down to 114 foot will set a precedent that you can come in get a variance if you do apply for this variance and we can bring the house property down to 114 foot now if we just make that exception for one of our neighbors and another builder comes into the neighborhood and says, you know what, I want to build on 114 foot lot, I want to put build on 120 foot lot, I need a variance and for some reason we tell this person no, we tell Hank and Jerry yes, now they are cleared for 9 foot, how come I can't be cleared for five foot. What legal ramifications do these people have against our town which in essence is going to cost us money if there's a legal problem.

MR. TORLEY: Essentially.

MR. NUGENT: Everybody is based on an individual basis. We're setting no precedence here.

MR. DI PAOLA: If I wanted to build, I can say then I couldn't cite that, it's not into the records where we can cite we gave somebody else a 9 foot variance?

MR. TORLEY: It's irrelevant.

MR. KRIEGER: In the eyes of the law, each zoning variance that is granted or denied stands on its own. It's not considered precedence and the reason for that is very simple in the eyes of the law every parcel of real property is unique, nothing is like it, it stands on its own. So even if a builder were, hypothetical builder were to come in and seek an identical variance with identical dimensions because the property is different, this would not be considered a precedence for this.

MR. DI PAOLA: My only concern I'm not concerned about people coming to the neighborhood because I came to the neighborhood. I'm not concerned about an overwhelming amount of people, I'm not concerned about sewers because we don't have sewers. Unfortunately, I have a water problem that comes from everybody. I deal with it the best I can do but my main concern is that we bought these houses 125 foot whatever the case is and now we're going to say well, let's give him the 114 foot minimum or whatever is necessary to put it in and I understand what you're saying each house is on a different obviously lot size, different size, our concern I think as a group is that you say that we're not going to set a precedence but I know if I was a builder and I had a similar problem on a similar lot, I would look up to see if any variances in that neighborhood were done on the same basis and then now forget about the precedent now he gets to do that variance.

MR. KANE: No, he doesn't.

MR. KRIEGER: He doesn't automatically get it. It's an argument that he may make at this level, but if you are asking the question what happens legally in terms of costing the town money, the appeal from a decision of this board goes to the Supreme Court and that is when the town has to hire counsel and spend money and at that point, the legal principal applies that I told you about. So however much this hypothetical builder may argue here you did it for the last people, why not do it for me, if he's not persuasive at this level, what I am telling you he does not have the legal basis to go

to the next level. It's tough muffins.

MR. BILL ACKER: Bill Acker. I'm adjoining property owner, my understanding in order to grant this variance he would have to show some kind of a hardship?

MR. KRIEGER: No, not only is it not still true, it never was true. Hardship was never the test nor type of variance. Hardship is the test for a use variance. If you seek to use a property in a manner that is not allowed by the zoning law here, the use is allowed, it's merely the area that they are arguing about is deficient in one fashion or another. With an area variance, the test is a balancing test between the need basically the need of the developer and the community whether or not in the eyes of the zoning board of appeals which certainly outways others, it's a balancing test as it exists now for this type of variance.

MR. ACKER: My concern again is the footage doesn't really fit in the rest of the area, rest of the area has lot sizes that average about 200 feet, some bigger, some smaller. Cut that down to that size doesn't fit in with the character of the neighborhood, that is one of our concerns.

MR. VAN LEEUWEN: Would you prefer us to put a private road and three lots? We're trying to do the best thing for the town to make it a beautiful property to get rid of the property to move the property we're trying to do the best thing, come down to two lots, we can put a private road and go for three lots maybe even four, but we just want to bail out. We had it sold, we had to take it back, we had to do a lot of work to clean it up, you know, what kind of mess trailers and cars, cleaned it out but this is the best way out for everybody.

MR. ACKER: Maybe the best way out for you because you get two building lots.

MR. VAN LEEUWEN: I can get three.

MR. ACKER: Three is fine, if you can get three, why go

for a variance and get two?

MR. TORLEY: This plan previously not by a previously approved plan that would have let them put in three or four lots on this with a private road and clip off.

MRS. SCHIRALDI: We gave another reason, the only reason we gave an easement was number one to move my driveway off of Beattie Road there because it is so dangerous, I wanted to get my driveway off Beattie Road and I knew when the town road was going there, the water problem would be addressed properly. Right now, the water problem has never been addressed properly and I had been sitting in two feet of water in my back yard for years very quietly, not complaining and I can document that I have had over a hundred truck loads of fill put into my back yard. I have had excavators come fix my back yard without a complaint to any of my neighbors and when I have complained to this gentleman nothing was done on record two times nothing was done, all right, so I'm very quiet, I mind my own business but I can foresee huge water problems coming back to me again and yes, I do have them across the street and the culvert is not big enough to handle Martha's Way, which the town let go so the town isn't doing anything for the people that are living there. So if the town can't handle the water from across the street, how do I expect the town to handle a subdivision that comes back to me again and I'm the one that has two feet of water, had the two feet of water in my back yard very quietly without a complaint and I will not do it again because I have an animal in my back yard which I refuse to jeopardize her health and safety. There's underground springs from previous farmers that used to have an agricultural farms, you have springs and underground pipe everywhere. You'll never find it because the only way I find it is by digging and it's true, ask anybody who has a lot.

MR. DIPOLA: I have water in the basement constantly. I have the people across the street from me septic leaching up into my driveway because of the runoff.

MR. TORLEY: Call the Department of Health.

MR. DIPAOLO: I'm not here to stop Hank from building, I'm here just to make sure that we don't have row houses in our neighborhood next. I'm concerned about the size of the lot, if you say that that is one-time-one-shot Louise we used to say in Queens, fine, I have no problem. We have to address their issues. My issue was the size of the lot. My issue was protecting the cost of my house, the value of the house which as we all know have gone down and up with the economy and if I wiped the house off what I paid for the house today if I wiped the house off ten years ago now all I'm concerned about is the size of the lot, if nobody else is going to come in and put 20 houses on the other side of the road a 114 foot, I'm a happy man but we come back and there's another variance saying this is 112 foot, that is what my concern is. I also know here the concerns of my neighbors which are very valid concerns whether they should be brought up in front of zoning board is another story, but they do have issues they should address later on, but I'm concerned about the width of the property of which this zoning board was addressing tonight.

MR. TORLEY: I'm familiar with the area, actually, I was the first person that lived on Lincoln, and at that time, you know, there were lots that had water, you waded through parts of it before the road was in, so historically, on that slope there is water, there is springs, don't know what we can do about springs. I'm not a hydraulic engineer. But this is a least intrusive change as the evidence now states than what has been approved before, that road.

MS. HERMANN: I purchased my property in '82, I'm in the military, I just retired after 21 years of service. I just came back to build my new house and I look at Otterkill Estates, they have torn down all the woods and left a pile of trash in every direction, included on my property, and I have looked at the devastation, all that was natural, what was beautiful just cut down completely and I see row houses going up. I have even been informed that people on Beattie Road have multiple family dwellings on their property and I was absolutely astonished when I found that out.



MR. TORLEY: Would you mind telling that to the building inspector?

MS. HERMANN: Two or more families.

MR. TORLEY: Unless it's been there since before zoning.

MS. HERMANN: Does that pertain to people constructing?

MR. VAN LEEUWEN: Whose property are you referring to?

MS. HERMANN: I don't wish to embarrass anybody but it's one of the individuals cited in this letter.

MR. VAN LEEUWEN: That building is 26 years old.

MS. HERMANN: Adjacent to your home.

MR. VAN LEEUWEN: It's 26 years old, I built it myself, I know I built it in 1974, and I got a proper variance for it.

MS. HERMANN: That is why I am concerned when I see we're going to put two houses on what was originally intended for a single family residential lot with an individual who already has multiple family dwellings on his own property which is his permanent residence. I'm afraid that we're going to lose everything. My initial question was has anybody else on Beattie Road received a variance of this nature to reduce that property requirement or is this the very first?

MR. TORLEY: The last variance that came up to us was the one further up Beattie where the fellow had a classic flag lot and he was building a shack back behind there with no running water and that was thrown out.

MS. HERMANN: What's the classic flag lot?

MR. TORLEY: 25 foot on the road, goes back a couple hundred feet and spreads out but that was rejected, I don't recall there being any other variances, I could be wrong.

MS. HERMANN: So this is the first thing?

MR. TORLEY: Well, Hank's was 20 something years ago, 30 years ago.

MR. VAN LEEUWEN: 1974.

MR. NUGENT: Are there anymore questions that are relevant to this variance because we're bouncing all around here. If not, I'm going to close the public hearing and open it back up to the board. Are there any questions by the board?

MR. TORLEY: Just the observation that maybe we should go see the planning board and the engineer about the drainage.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: I move that we grant the requested variance.

MR. KANE: Second the motion.

ROLL CALL

|            |     |
|------------|-----|
| MS. OWEN   | AYE |
| MR. KANE   | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
e-mail: mheny@att.net
- ☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765  
e-mail: mhepa@ptd.net



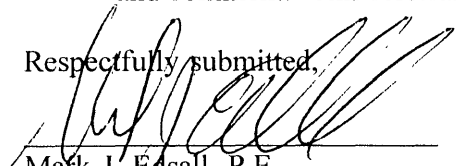
**REVIEW NAME:** VANLEEUVEN/FIEDELHOLTZ SUBDIVISION  
**PROJECT LOCATION:** BEATTIE ROAD  
SECTION 55-BLOCK 1-LOT 92.2  
**PROJECT NUMBER:** 98-21  
**DATE:** 24 JUNE 1998  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE  
EXISTING 4.0 +/- ACRE PARCEL INTO TWO (2) SINGLE-  
FAMILY RESIDENTIAL LOTS. THE PLAN WAS REVIEWED  
ON A CONCEPT BASIS ONLY.

1. The property is located within the R-1 Zoning District of the Town. Each of the lots appears to comply with the minimum bulk requirements, with the exception of the lot width for Lot 2. A referral to the Zoning Board of Appeals will be necessary for this application.

The Applicant should double check the "provided" values for lot width for both Lot 1 and Lot 2, making sure these numbers are accurate before the ZBA referral is prepared. In addition, the bulk table should include the minimum livable area requirement.

2. At this time, I have performed no detailed review of the subdivision application, since same is being referred to the Zoning Board of Appeals. Once the Applicant returns from the ZBA, I will perform my detailed review.
3. Inasmuch as this application borders the Town line with the Town of Hamptonburgh and this parcel includes an easement to a land-locked parcel within the Town of Hamptonburgh, I would recommend that the Board forward this application to the Town of Hamptonburgh Planning Board and Orange County Department of Planning for review and comment. This referral could be made while the Applicant is at the ZBA for review.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk  
A:VAN-FIE.mk

RESULTS OF B. MEETING OF: June 4, 1998

**PROJECT:** Van Lear v. Fidelity Sub **P.B.#** 98-21

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y    N

M) S) VOTE: A N

2. TAKE LEAD AGENCY: Y N

CARRIED: YES NO

M)\_\_\_S)\_\_\_ VOTE: A\_\_\_N\_\_\_

CARRIED: YES NO

WAIVE PUBLIC HEARING: M) S) VOTE: A N WAIVED: Y N

SCHEDULE P.H. Y N

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S S) 44 VOTE: A 0 N 5

RETURN TO WORK SHOP: YES NO

**APPROVAL:**

M)      S)      VOTE: A      N      APPROVED:                     

M) S) VOTE: A N APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y N

**DISCUSSION/APPROVAL CONDITIONS:**

Mark to send to Hamptonburg + O.C. Planning  
Correct plan before referral



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

6 July 1998

Orange County Department of Planning  
124 Main Street  
Goshen, New York 10924

**ATTENTION:** PETER GARRISON, COMMISSIONER

**SUBJECT:** VANLEEUEWEN - FIEDELHOLTZ MINOR SUBDIVISION  
BEATTIE ROAD  
(P.B. APP. NO. 98-21)

Dear Mr. Garrison::

The Town of New Windsor Planning Board has had placed before it an application for a minor subdivision of the subject property, located on Beattie Road within the Town of New Windsor. This property partially borders the town line between the Town of New Windsor and the Town of Hamptonburgh. In addition, along the northerly and westerly bounds of the property there exists an easement apparently for ingress and egress to the adjoining lot in the Town of Hamptonburgh, which we have been advised is land-locked.

In line with the above, the Planning Board is seeking any input or comments from the Town of Hamptonburgh with regard to the proposed subdivision. We are also providing a copy of this plan to the Town of Hamptonburgh for their review and comment.

We appreciate your consideration in this matter. If you have any questions or wish to discuss this referral, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

**TOWN OF NEW WINDSOR**



Mark J. Edsall, P.E.

Planning Board Engineer

MJEsh

cc: James Petro, Planning Board Chairman  
a:ocplann.sh



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

6 July 1998

Town of Hamptonburgh  
Planning Board  
RD 3, Box 18  
Bull Road  
Campbell Hall, New York 10916

**ATTENTION:** LOUIS INNAMORATO, PLANNING BOARD CHAIRMAN

**SUBJECT:** VANLEEUEWEN - FIEDELHOLTZ MINOR SUBDIVISION  
BEATTIE ROAD  
(P.B. APP. NO. 98-21)

Dear Mr. Innamorato:

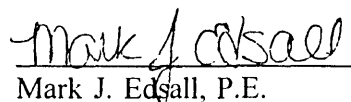
The Town of New Windsor Planning Board has had placed before it an application for a minor subdivision of the subject property, located on Beattie Road within the Town of New Windsor. This property partially borders the town line between the Town of New Windsor and the Town of Hamptonburgh. In addition, along the northerly and westerly bounds of the property there exists an easement apparently for ingress and egress to the adjoining lot in the Town of Hamptonburgh, which we have been advised is land-locked.

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We appreciate your consideration in this matter. If you have any questions or wish to discuss this referral, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

**TOWN OF NEW WINDSOR**

  
Mark J. Edsall, P.E.

Planning Board Engineer  
MJesh

cc: James Petro, Planning Board Chairman  
a:hampton.sh



**PIETRZAK & PFAU**  
ENGINEERING & SURVEYING, PLLC

October 22, 1998

Mr. James Petro, Chairman  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Re: VanLeeuwen/Fiedelholtz  
Two Lot Subdivision  
P&P No. 98159.01

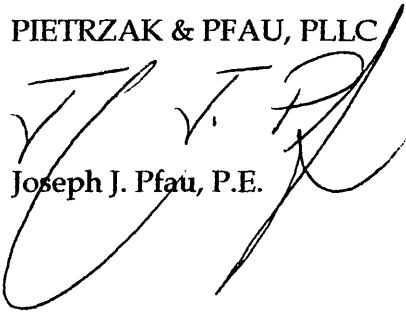
Dear Mr. Petro:

In reference to the above project, enclosed please find ten (10) copies of the Revised Subdivision Plans. Revisions are based on the workshop meeting held on October 22, 1998. Please place this matter on the Wednesday, October 28, 1998 Planning Board agenda.

Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC

  
Joseph J. Pfau, P.E.

JJP/bb

enclosures:

cc: H. VanLeeuwen w/enc.  
vanfiel4.doc



## COUNTY OF ORANGE

**JOSEPH G. RAMPE**

COUNTY EXECUTIVE

## DEPARTMENT OF PLANNING

124 MAIN STREET

GOSHEN, NEW YORK 10924-2124

TEL: (914) 291-2318 FAX: (914) 291-2533

**PETER GARRISON**

COMMISSIONER

### ORANGE COUNTY DEPARTMENT OF PLANNING 239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by:

Town of New Windsor

OCDP Reference No.: NWT 2-98-N

County I.D. No.: 55-1-92.2

Applicant:

Henry Van Leeween/Jerald Fiedelholtz

Proposed Action:

Subdivision 2 lots

State, County, Inter-Municipal Basis for Review:

Within 500' of - Borders on The Town of Hamptonburgh

Comments:

There are no significant inter-municipal or countywide considerations to bring to your attention.

Related Reviews and Permits:

County Action: Local Determination X

Disapproved

Approved

Approved subject to the following modifications and/or conditions:

Date:

7/28/98

*E. Vincent Hammond*  
Deputy Commissioner

CC: H.E.





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 98-21  
WORK SESSION DATE: 22 Oct 98 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: Plans  
PROJECT NAME: Valentine/Friedelholz  
PROJECT STATUS: NEW      OLD x  
REPRESENTATIVE PRESENT: Joe Plan.  
MUNIC REPS PRESENT: BLDG INSP.       
FIRE INSP. x  
ENGINEER x  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- add note re variance
- "note - as possible direct site drainage to swale @ 4/1"
- note re ease to town - & don't obstruct a reloc
- swale done before 1" %
- add T/drainway detail & notes

4MJE91 pbwsform

**ZONING BOARD OF APPEALS**  
Regular Session  
July 13, 1998

**AGENDA:**

**7:30 P.M. - ROLL CALL**

Motion to accept minutes of the 06/08/98 and 06/22/98 meetings as written. *APPROVED*

**PRELIMINARY MEETING:**

*SET UP FOR P/H*  
1. DOMINGUES, CARLOS - Request for 10,108 sq. ft. lot area variance to construct single-family residence on Beaver Brook Road in an R-4 zone. (58-2-9).

*SET UP FOR P/H*  
2. VAN LEEUWEN/FIEDELHOLTZ - Request for <sup>LOT WIDTH</sup> ~~set back~~ variance on parcel located on Beattie Road, Rock Tavern in an R-1 zone. (55-1-92.2).

*SET UP FOR P/H*  
3. BILA FAMILY PARTNERSHIP - Request for variation of Sec. 48-16A(3) Size of parking spaces for shopping complex located on Route 32 in a C zone. (65-2-12, 35, 36 & 37).

**PUBLIC HEARINGS:**

*APPROVED*  
4. FRANKLIN ASSOCIATES/DESTINTA THEATRES - Request for 19 ft. height and 1,636 sq. ft. sign variance for pole sign at proposed theatre complex at 217 Quassaick Avenue in an NC zone. (23-1-53.1).

*NEED FILE WITH DISAPPROVAL*

*APPROVED*  
5. ACUNZO/JIM SMITH CHEVY - Request for use variance for used car sales and rentals located at 556 Route 207 in an NC zone. (3-1-23.1).

*NEED FILE WITH DISAPPROVAL*

*5A SIGN 2' X 32'-6"*

PAT 56-3-4630 (O)  
562-7107 (H)

OFFICE OF THE PLANNING BOARD - TOWN  
ORANGE COUNTY, NY

OF NEW WINDSOR  
#2 ZBA 8-10-98  
APPROVED

#1 ZBA 7-13-98  
SET UP FOR P/H

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 98-21

DATE: 8 JULY '98

APPLICANT: HENRY VANLEEDWEN & JERALD FIE DELHOLTZ

% 270 QUASSACK AVE.

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 19 JUNE 98

FOR (SUBDIVISION - ~~SUBDIVISION~~)

LOCATED AT NORTHWEST SIDE OF BEATTIE RD.

ZONE R-1

DESCRIPTION OF EXISTING SITE: SEC: 55 BLOCK: 1 LOT: 92.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

LOT WIDTH VARIANCE REQUIRED  
FOR LOT 2

  
MARK J. EDSALL P.E. FOR  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

\*\*\*\*\*

| <u>REQUIREMENTS</u>  |                  | <u>PROPOSED OR AVAILABLE</u> | <u>VARIANCE REQUEST</u> |
|----------------------|------------------|------------------------------|-------------------------|
| ZONE _____           | USE _____        | <u>LOT 1/LOT 2</u>           |                         |
| MIN. LOT AREA        | <u>43 560 SF</u> | <u>108395/110329</u>         | <u>—</u>                |
| MIN. LOT WIDTH       | <u>125 FT</u>    | <u>125 / 116</u>             | <u>0 / 9 FT</u>         |
| REQ'D FRONT YD       | <u>45 FT</u>     | <u>&gt; 45</u>               | <u>—</u>                |
| REQ'D SIDE YD.       | <u>20 FT</u>     | <u>&gt; 20</u>               | <u>—</u>                |
| REQ'D TOTAL SIDE YD. | <u>40 FT</u>     | <u>&gt; 40</u>               | <u>—</u>                |
| REQ'D REAR YD.       | <u>50 FT</u>     | <u>750</u>                   | <u>—</u>                |
| REQ'D FRONTAGE       | <u>70 FT</u>     | <u>128+ / 113+</u>           | <u>—</u>                |
| MAX. BLDG. HT.       | <u>35 FT</u>     | <u>&lt; 35</u>               | <u>—</u>                |
| FLOOR AREA RATIO     | <u>—</u>         | <u>—</u>                     | <u>—</u>                |
| MIN. LIVABLE AREA    | <u>1200 SF</u>   | <u>&gt; 1200</u>             | <u>—</u>                |
| DEV. COVERAGE        | <u>10 %</u>      | <u>&lt; 10 %</u>             | <u>— %</u>              |
| O/S PARKING SPACES   | <u>—</u>         | <u>—</u>                     | <u>—</u>                |

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

VAN LEEUWEN & FIEDELHOLTZ SUBDIVISION (98-21) BEATTIE ROAD.

Mr. Joseph Pfau appeared before the board for this proposal.

MR. PETRO: Proposes the subdivision of the existing four acre parcel into two single family residential lots.

MR. PFAU: The property is located on the west side of Beattie Road about a thousand feet southwest of Ann Elizabeth Drive on the opposite side of the road. We're proposing 2 lot subdivision, lot 2 is shown, is shy of the front yard width by approximately 9 feet. We show 116 feet just at the minimum front yard setback as the property goes back, we do meet the 125 foot lot width at about 170 feet back. So we're seeking, we'd like to be seeking a variance for that one particular lot, lot 2. It's my understanding that this property was purchased prior to the zoning change where the definition of lot width was either at the front yard setback or at the building placement and that's been since changed.

MR. PETRO: Mark, why don't you just take care of forwarding the plan to the Town of Hamptonburg and to the Department of Planning?

MR. EDSALL: Okay.

MR. PETRO: I'm sure they are not going to have any problem, just be local determination, but we'll do it as a courtesy is what you're saying.

MR. EDSALL: Yeah, I don't believe it's mandatory but given its position and easements, probably would be good idea.

MR. PETRO: You'll take care of that?

MR. EDSALL: Yes, I will.

MR. PETRO: And the applicant should doublecheck the provided values for lot width for lot 1 and 2, make

sure these numbers are accurate before the ZBA referral is prepared. In addition, bulk tables should include the minimum livable area requirement. Take a copy Mark's comments and work off that. Conceptually, does anyone have a problem with this subdivision? It's one lot going to be two.

MR. LANDER: No.

MR. PETRO: Looks like they have enough square footage. I'll take a motion for final approval.

MR. STENT: Motion we approve.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the VanLeeuwen and Fiedelholtz subdivision on Beattie Road. Is there any further discussion? If not, roll call.

#### ROLL CALL

|             |    |
|-------------|----|
| MR. LUCAS   | NO |
| MR. LANDER  | NO |
| MR. ARGENIO | NO |
| MR. STENT   | NO |
| MR. PETRO   | NO |

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Once you have been successful in receiving those and want to reappear before this board, you'll do so. Thank you.

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 98-21 DATE: 8 JULY '98

APPLICANT: HENRY VANLEEDWEN & JERALD FIE DEL HOLTZ

% 270 QUASSACK AVE.

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 19 JUNE 98

FOR (SUBDIVISION - ~~SIX EX PLANS~~)

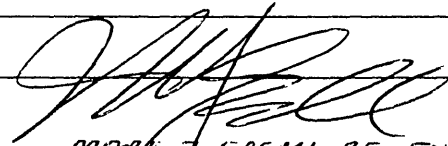
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LOT WIDTH VARIANCE REQUIRED  
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MARK J. EOSAUL P.E. FOR  
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BUILDING INSPECTOR

\*\*\*\*\*

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|----------------------|-----------|------------------------------|-------------------------|
| ZONE _____           | USE _____ | LOT 1/LOT 2                  |                         |
| MIN. LOT AREA        | 43 560 SF | 108 395 / 110 329            | —                       |
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| REQ'D FRONT YD       | 45 FT     | > 45                         | —                       |
| REQ'D SIDE YD.       | 20 FT     | > 20                         | —                       |
| REQ'D TOTAL SIDE YD. | 40 FT     | > 40                         | —                       |
| REQ'D REAR YD.       | 50 FT     | > 50                         | —                       |
| REQ'D FRONTAGE       | 70 FT     | 128+ / 113+                  | —                       |
| MAX. BLDG. HT.       | 35 FT     | < 35                         | —                       |
| FLOOR AREA RATIO     | —         | —                            | —                       |
| MIN. LIVABLE AREA    | 1200 SF   | > 1200                       | —                       |
| DEV. COVERAGE        | 10 %      | < 10 %                       | — %                     |
| O/S PARKING SPACES   | —         | —                            | —                       |

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OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE



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MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the VanLeeuwen and Fiedelholz subdivision on Beattie Road. Is there any further discussion? If not, roll call.

#### ROLL CALL

|             |    |
|-------------|----|
| MR. LUCAS   | NO |
| MR. LANDER  | NO |
| MR. ARGENIO | NO |
| MR. STENT   | NO |
| MR. PETRO   | NO |

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Once you have been successful in receiving those and want to reappear before this board, you'll do so. Thank you.

ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 98-21

1. Municipality Town of New Windsor Public Hearing Date \_\_\_\_\_  
☒ City, Town or Village Board ☒ Planning Board ☐ Zoning Board

2. Owner: Name Henry Vanbeaunen & Jerald Fiedelholz  
Address Beattie Rd. - Rock Tavern, NY

3. Applicant\*: Name Same  
Address \_\_\_\_\_

\* If Applicant is owner, leave blank

4. Location of Site: Beattie Rd (Northwest side)  
(street or highway, plus nearest intersection)

Tax Map Identification: Section 55 Block 1 Lot 92.2

Present Zoning District R-1 Size of Parcel 5.1

5. Type of Review:

Special Permit: \_\_\_\_\_

Variance: Use \_\_\_\_\_

Area \_\_\_\_\_

Zone Change: From \_\_\_\_\_ To \_\_\_\_\_

Zoning Amendment: To Section \_\_\_\_\_

Subdivision: Number of Lots/Units 2

Site Plan: Use \_\_\_\_\_

7/28/98

Date

James R. Petro, Jr., Chairman  
Signature and Title

## INTER-OFFICE MEMORANDUM

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**DATE: October 27, 1998**

**SUBJECT: Van Leeuwen & Fiedelholtz**

Planning Board Reference Number: PB-98-21

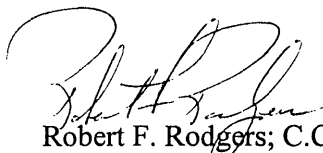
Dated: 23 October 1998

Fire Prevention Reference Number: FPS-98-066

A review of the above referenced subject subdivision plan was conducted on 26 October 1998.

This subdivision plan is acceptable.

Plans Dated: 22 October 1998 Revision 2



Robert F. Rodgers; C.C.A.  
Fire Inspector

RFR/dh

---



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

RECEIVED

JUN 23 1998

N.W. HIGHWAY DEPT.

PLANNING BOARD FILE NUMBER: 98-21

DATE PLAN RECEIVED: RECEIVED JUN 19 1998

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision ✓ \_\_\_\_\_ as submitted by \_\_\_\_\_  
\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_  
\_\_\_\_\_ has been  
reviewed by me and is approved ✓ \_\_\_\_\_,  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

W. James Sullivan 6/23/98  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE

**INTER-OFFICE MEMORANDUM**

**TO: New Windsor Planning Board**

**FROM: Town Fire Inspector**

**DATE: June 23, 1998**

**SUBJECT: Van Leewen & Fiedelholtz Subdivision**

Planning Board Reference Number: PB-98-21

Dated: 19 June 1998

Fire Prevention Reference Number: FPS-98-031

A review of the above referenced two (2) lot subdivision was conducted on 22 June 1998.

This two (2) lot subdivision is acceptable.

Plans Dated: 17 June 1998.

A handwritten signature in cursive script, appearing to read 'Robert F. Rodgers'.

Robert F. Rodgers; C.C.A.  
Fire Inspector



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 21

DATE PLAN RECEIVED: RECEIVED JUN 19 1998

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_

\_\_\_\_\_ for the building or subdivision of

Vanleeuwen & fidelholtz has been

reviewed by me and is approved ☒ \_\_\_\_\_,

~~disapproved~~ \_\_\_\_\_.

If ~~disapproved~~, please list reason \_\_\_\_\_

No town water in this area.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HIGHWAY SUPERINTENDENT DATE

John J. De 6-22-98  
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
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Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

(TOWN/VILLAGE OF NEW WINDSOR) P/B #      -       
WORK SESSION DATE: 17 JUNE 98 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: Not now REQUIRED: Full App  
PROJECT NAME: Fiedelholz/VanLouver Subdiv  
PROJECT STATUS: NEW X OLD       
REPRESENTATIVE PRESENT: Joel / Hank VanL  
MUNIC REPS PRESENT: BLDG INSP.       
FIRE INSP. X  
ENGINEER X  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Beattie past Lincoln date acres (near T/Hamptonburg)
- has 30' easement to 16 A in T/Hamptonburg (land locked)
- needs variance lot width
- take off ↑ front setback lines aka old code
- move bldg line or note re can't build in EASE.

POSS

(A)

ZBA referral

4MJJE91 pbwsform





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Change \_\_\_\_\_ Site Plan \_\_\_\_\_ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 55 Block 1 Lot 92.2

1. Name of Project VANLEEUEWEN/FIEDELHOLTZ 2 LOT SUBDIVISION
2. Owner of Record HENRY VANLEEUEWEN, JERALD FIEDELHOLTZ Phone (914) 562-0532  
Address: BEATTIE ROAD ROCK TAVERN, NEW YORK 12577  
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant SAME AS OWNER Phone \_\_\_\_\_  
Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan PIETRZAK & PFAU, PLLC Phone (914) 294-0606  
Address: 51 GREENWICH AVENUE GOSHEN, NEW YORK 10924  
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney JERALD FIEDELHOLTZ, ESQ. Phone (914) 562-4630  
Address 270 QUASSAICK AVENUE NEW WINDSOR, NEW YORK 12553  
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:  
JOSEPH J. PFAU, P.E. (914) 294-0606  
(Name) (Phone)
7. Project Location:  
On the NORTHWEST side of BEATTIE ROAD 1000 feet  
(Direction) (Street) (No.)  
SOUTHWEST of ANN ELIZABETH DRIVE  
(Direction) (Street)
8. Project Data: Acreage 5.1 Zone R-1 School Dist. WASHINGTONVILLE

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

**\*This information can be verified in the Assessor's Office.**

**\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".**

10. Description of Project: (Use, Size, Number of Lots, etc.) 2 LOT RESIDENTIAL SUBDIVISION UTILIZING INDIVIDUAL WELLS AND SEPTICS.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

**ACKNOWLEDGMENT:**

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

19<sup>th</sup> DAY OF June 1998

[Signature]  
APPLICANT'S SIGNATURE

[Signature] DEBORAH GREEN  
Notary Public, State of New York  
NOTARY PUBLIC Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999

[Signature]  
Please Print Applicant's Name as Signed

TOWN USE ONLY:

DATE APPLICATION RECEIVED

**98 - 21**

APPLICATION NUMBER

**TOWN OF NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration of being placed on the Planning Board Agenda:

1.       X       Name and address of Applicant.
- \* 2.       X       Name and address of Owner.
3.       X       Subdivision name and location.
4.       X       Tax Map Data (Section, Block & Lot).
5.       X       Location Map at a scale of 1" = 2,000 ft.
6.       X       Zoning table showing what is required in the particular zone and what applicant is proposing.
7.       X       Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8.       X       Date of plat preparation and/or date of any plat revisions.
9.       X       Scale the plat is drawn to and North arrow.
10.            Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
11.            Surveyor's certificate.
12.            Surveyor's seal and signature.
13.       X       Name of adjoining owners.
14.       N/A       Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- \*15.       N/A       Flood land boundaries.
16.            A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17.       X       Final metes and bounds.
18.       X       Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.

19.     X     Include existing or proposed easements.
20.     X     Right-of-way widths.
21.     N/A     Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22.     X     Lot area (in square feet for each lot less than 2 acres).
23.     X     Number the lots including residual lot.
24.     N/A     Show any existing waterways.
- \*25.     N/A     A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26.            Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27.     X     Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
28.            Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
29.     X     Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
30.            Provide "septic" system design notes as required by the Town of New Windsor.
31.            Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
32.            Indicate percentage and direction of grade.
33.     X     Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
34.     X     Provide 4" wide X 2" high box directly above title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.
35.     N/A     Indicate location of street or area lighting (if required).

**REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:**

36. N/A Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. \_\_\_\_\_ A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leaser shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

***PREPARER'S ACKNOWLEDGMENT:***

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: \_\_\_\_\_

Licensed Professional

Date

6-19-78

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

HENRY VANLEEUEWEN, deposes and says that he resides  
(OWNER)

at 70 WINDSOR DR. NEW WINDSOR in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 55 Block 1 Lot 92.2 )  
designation number (Sec.        Block        Lot        ) which is the premises described in

the foregoing application and that he authorizes:

JOSEPH J. PFAU, P.E. PIETRZAK & PFAU ENGINEERING & SURVEYING, PLLC  
(Applicant Name & Address, if different from owner)

51 GREENWICH AVENUE SUITE A GOSHEN, NEW YORK 10924  
( Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Witness' Signature

\_\_\_\_\_  
Applicant's Signature if different than owner

\_\_\_\_\_  
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED  
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

FIXED FOR  
SIGNATURE : 98 - 21

PROJECT I.D. NUMBER

617.20

SEQR

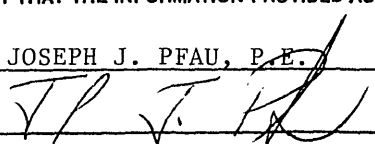
Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

|  |  |
|--|--|
| 1. APPLICANT /SPONSOR<br>HENRY VANLEEUEWEN   | 2. PROJECT NAME<br>VANLEEUEWEN/FIEDELHOLTZ 2 LOT SUBDIVISION |
| 3. PROJECT LOCATION:<br>Municipality TOWN OF NEW WINDSOR County ORANGE   |  |
| 4. PRECISE LOCATION (Street address and road Intersections, prominent landmarks, etc., or provide map)<br><br>NORTHWEST SIDE OF BEATTIE ROAD 1,000'± SOUTHWEST OF ANN ELIZABETH DRIVE  |  |
| 5. IS PROPOSED ACTION:<br><input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration  |  |
| 6. DESCRIBE PROJECT BRIEFLY:<br><br>2 LOT RESIDENTIAL SUBDIVISION. BOTH LOTS WILL BE SERVED BY INDIVIDUAL WELLS AND SEPTICS AND WILL ACCESS BEATTIE ROAD.  |  |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially <u>5.1</u> acres Ultimately <u>5.1</u> acres  |  |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly<br><br>REQUIRES AREA VARIANCE FOR MINIMUM LOT WIDTH ON ONE LOT.  |  |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other<br>Describe: |  |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals<br><br>TOWN OF NEW WINDSOR PLANNING BOARD AND ZONING BOARD       |  |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval   |  |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE  |  |
| Applicant/sponsor name: JOSEPH J. PFAU, P.E.   | Date: JUNE 19, 1998  |
| Signature:    |  |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

98 - 21

**PART II—ENVIRONMENTAL ASSESSMENT** (To be completed by Agency)

|   |
|---|
| <b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</b> If yes, coordinate the review process and use the FULL EAF.<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency.<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible)<br><b>C1.</b> Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:<br><br><br><b>C2.</b> Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:<br><br><br><b>C3.</b> Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:<br><br><br><b>C4.</b> A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:<br><br><br><b>C5.</b> Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.<br><br><br><b>C6.</b> Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.<br><br><br><b>C7.</b> Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.<br><br><br> |
| <b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No  |
| <b>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, explain briefly  |

**PART III—DETERMINATION OF SIGNIFICANCE** (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

|   |   |
|---|---|
| <input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.   |   |
| <input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination: |   |
| <hr style="border: none; border-top: 1px solid black;"/>  |   |
| Name of Lead Agency   |   |
| <hr style="border: none; border-top: 1px solid black;"/>  | <hr style="border: none; border-top: 1px solid black;"/>      |
| Print or Type Name of Responsible Officer in Lead Agency  | Title of Responsible Officer                                  |
| <hr style="border: none; border-top: 1px solid black;"/>  | <hr style="border: none; border-top: 1px solid black;"/>      |
| Signature of Responsible Officer in Lead Agency   | Signature of Preparer (If different from responsible officer) |
| <hr style="border: none; border-top: 1px solid black;"/>  |   |
| Date  |   |



**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

HENRY VAN LEEUWEN, deposes and says that he resides  
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at 70 WINDSOR DR. NEW WINDSOR in the County of ORANGE  
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and State of NEW YORK and that he is the owner of property tax map  
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designation number (Sec.        Block        Lot       ) which is the premises described in  
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(Applicant Name & Address, if different from owner)  
51 GREENWICH AVENUE SUITE A GOSHEN, NEW YORK 10924  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: June 19, 1998

Deborah Green  
Witness' Signature

[Signature]  
Owner's Signature

[Signature]  
Applicant's Signature if different than owner

[Signature]  
Representative's Signature

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